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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

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|--|---|------------------|
| AMIR ALI KHAN, |) | |
| |) | No. C 07-2871 BZ |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | ANSWER |
| ALBERTO GONZALES, Attorney General of |) | |
| the United States; MICHAEL CHERTOFF, |) | |
| Secretary of the Department of Homeland |) | |
| Security; EMILIO GONZALEZ, Director of |) | |
| United States Citizenship and Immigration |) | |
| Services; ROBERT S. MUELLER, III, Director |) | |
| of the Federal Bureau of Investigation; |) | |
| CHRISTINA POULOS, Director of the |) | |
| California Service Center; et al., |) | |
| |) | |
| Defendants. |) | |

Defendants hereby submit their answer to Plaintiff's Civil Action to Compel Defendants to Complete Naturalization Process.

INTRODUCTION

1. Paragraph One consists of Plaintiff's characterization of the lawsuit, and thus no admission or denial is required. However, to the extent a responsive pleading is deemed to be required, the defendants deny the allegations in Paragraph One.

2. Defendants admit the allegations in Paragraph Two; however, the defendants deny the

1 allegation in the last sentence of paragraph two which alleges that this Court has jurisdiction under
2 8 U.S.C. § 14479b).

3 3. Defendants deny the allegations in Paragraph Three.

4 4. Defendants admit the allegations in Paragraph Four.

5 5. Paragraph Five consists of Plaintiff's allegations regarding venue, to which no responsive
6 pleading is required.

7 **FACTS**

8 6. Defendants admit the allegations in Paragraph Six.

9 7. Defendants admit the allegations in Paragraph Seven.

10 8. Defendants admit the allegations in Paragraph Eight.

11 9. Defendants admit the allegations in Paragraph Nine.

12 10. Defendants are without sufficient information to admit or deny the allegations in
13 Paragraph Ten.

14 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

15 The unnumbered paragraph under the heading "Exhaustion of Administrative Remedies"
16 consist solely of plaintiff's conclusions of law for which no answer is necessary; however, to the
17 extent a response is deemed to be required, defendants deny the allegations in this paragraph.

18 **CLAIMS**

19 17. Defendants deny the allegations in Paragraph Seventeen.

20 18. Defendants deny the allegations in Paragraph Eighteen.

21 19. Defendants deny the allegations in Paragraph Nineteen.

22 The remaining paragraph consists of Plaintiff's prayer for relief and request for costs and fees,
23 to which no admission or denial is required; to the extent a responsive pleading is deemed to be
24 required, Defendants deny the allegations in this paragraph.

25 **FIRST AFFIRMATIVE DEFENSE**

26 Plaintiff's complaint fails to state a claim upon which relief may be granted.

27 **SECOND AFFIRMATIVE DEFENSE**

28 The court should dismiss the Complaint under Fed. R. Civ. P. 12(b)(1) for lack of subject

1 matter jurisdiction.

2 WHEREFORE, Defendants pray for relief as follows:

3 That judgment be entered for defendants and against Plaintiff, dismissing Plaintiff's Complaint
4 with prejudice; that Plaintiff takes nothing; and that the Court grant such further relief as it deems
5 just and proper under the circumstances.

6 Dated: October 29, 2007

Respectfully submitted,

7 SCOTT N. SCHOOLS
8 United States Attorney

9 /s/
10 EDWARD A. OLSEN
11 Assistant United States Attorney
12 Attorneys for Defendants
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